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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,116	07/02/2003	Kaoru Matsumoto	051319/0036	3910
29619	7590	06/01/2006	EXAMINER	
SCHULTE ROTH & ZABEL LLP ATTN: JOEL E. LUTZKER 919 THIRD AVENUE NEW YORK, NY 10022			DWIVEDI, VIKANSHA S	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/612,116	<b>Applicant(s)</b> MATSUMOTO ET AL.	
	<b>Examiner</b> Vikansha S. Dwivedi	<b>Art Unit</b> 3746	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/27/2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7, 8, 10, 11 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7, 8, 10, 11, 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claims 14-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim limitation in Claim 14, wherein the shape of motor base creates a pressure difference such that the pressure is higher near a top of said motor base and is lower near a bottom of said motor base, adds subject matter that was not fairly taught in the specification and there is no evidence of applicant's possession of this feature.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills (U.S. Patent number 5,572,403) in view of Brandt et al. (U.S. Patent number 5,572,403).

Mills discloses a serial ventilation device comprising a casing (435 and 440), a first ventilator (420), mounted on the air intake (405) side of the opening (Shown in figure 4), a second ventilator (410), mounted on the air exhaust opening side of the casing. Mills also discloses that the first and second cooling fans are coaxial (Column 8, lines 54-56). The central hub of both the fans is mounted on the same axis; they have separate motors to drive the two fans/ventilators. The shape of the motor base is believed to inherently create a pressure difference such that the pressure is higher near a top of the motor based and lower near a bottom of the motor base, in the same manner as applicant's limited disclosure. Mills does not provide teachings for the first rotating shaft being independent from and coaxial to the second rotating shaft. Brandt et al. discloses a rotor device that can be included in pumps, (Column 1, lines 8-13) with benefits including self-balancing (Column 1, line 62, Column 2, line 6). Brandt discloses two sets of rotors; the first set rotates in the direction of rotation of the shaft and the second set rotates in the direction counter to the rotation of the shaft. So, the two adjacent rotors rotate counter to each other. Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the cooling system dual fan assembly by, a counter rotating coaxial assembly, as taught by, Brandt et al. in order to advantageously cool the system by reducing the backflow.

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dent (U.S. Patent number 6,537,019) in view of Brandt et al.

Dent discloses a fan assembly that includes two fans, serial ventilation device comprising a casing (11), a first ventilator, mounted on the air intake (12) side of the

opening (Shown in figure 1 and 2 with an arrow A1), a second ventilator, mounted on the air exhaust opening side of the casing. Dent also discloses that the first and second cooling fans are coaxial (Column 2, lines 20-25). The central hub of both the fans is mounted on the same axis; they have separate motors to drive the two fans/ventilators. The shape of the motor base is believed to inherently create a pressure difference such that the pressure is higher near a top of the motor based and lower near a bottom of the motor base, in the same manner as applicant's limited disclosure. Dent does not teach the first rotating shaft being independent from and coaxial to the second rotating shaft. Brandt et al. discloses a rotor device that can be included in pumps, (Column 1, lines 8-13) with benefits including self-balancing (Column 1, line 62, Column 2, line 6). Brandt discloses two sets of rotors; the first set rotates in the direction of rotation of the shaft and the second set rotates in the direction counter to the rotation of the shaft. So, the two adjacent rotors rotate counter to each other. Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the cooling system dual fan assembly by, a counter rotating coaxial assembly, as taught by, Brandt et al. in order to advantageously cool the system by reducing the backflow.

Claims 7, 8, 10, 11 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over either of the grounds of rejection as applied above, and further in view of Bradbury et al. (U.S. Patent number 6,129,528).

Mills and Dent disclose the invention substantially as claimed by the inventor, except the teaching for different number of blades in the two fans. Bradbury et al. provides motivation for attaching different number of blades to reverse rotating fans

(Column 11, lines 65-67). It would have been obvious to one of ordinary skill in the art at time the invention was made to modify the cooling system dual fan assembly by, fans with different number of blades, as taught by, Bradbury et al. in order to advantageously cool the system by reducing the noise.

### ***Response to Arguments***

Applicant's arguments with respect to claim 7, 8, 10, 11 and 14-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikansha S. Dwivedi whose telephone number is 571-272-7834. The examiner can normally be reached on M-F, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VSD

  
TAE JUN KIM  
PRIMARY EXAMINER